

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DOUGLAS BISHOP, et al.,

Plaintiff(s),

v.

CITY OF BUCKLEY, et al.,

Defendant(s).

CASE NO. C22-5759-KKE

ORDER GRANTING PLAINTIFFS'  
MOTION FOR RECONSIDERATION

This matter comes before the Court on Plaintiffs' motion for reconsideration. Dkt. No. 69. The Court has considered the motion, Defendants' response (Dkt. No. 74), and Plaintiffs' reply (Dkt. No. 75). For the following reasons, the Court grants the motion and amends its prior order to deny summary judgment on Plaintiff Victoria Bishop's Fourteenth Amendment claim.

The Court previously granted Defendants' motion for summary judgment on Bishop's Fourteenth Amendment claim, on the grounds that Plaintiffs had presented no evidence that would support a finding that Bishop possessed an interest protected by the Fourteenth Amendment. Dkt. No. 68 at 12.

In support of their motion for reconsideration, Plaintiffs argue that the reason they had not presented evidence to support Bishop's Fourteenth Amendment claim was because they had not interpreted Defendants' motion to request summary judgment on that claim. *See* Dkt. No. 69 at 1–2. Plaintiffs filed a declaration from Bishop providing the omitted evidence along with their

1 motion for reconsideration and ask that the Court find that she has a valid claim on “the record  
2 now before the Court.” *Id.* at 5.

3 Although the Court observes that Plaintiffs’ decision to narrowly interpret Defendants’  
4 briefing was risky, the Court cannot find that Plaintiffs’ decision was unfounded. Because the  
5 basis upon which Defendants sought summary judgment on Bishop’s Fourteenth Amendment  
6 claim was less than clear (Dkt. No. 30 at 24–26), and Plaintiffs raised this concern at oral argument  
7 (Dkt. No. 73 at 32–33), the Court exercises its discretion to reconsider its order and deny  
8 Defendants’ motion for summary judgment on Bishop’s Fourteenth Amendment claim. *See*  
9 *Navajo Nation v. Confederated Tribes & Bands of the Yakama Indian Nation*, 331 F.3d 1041, 1046  
10 (9th Cir. 2003) (“Whether or not to grant reconsideration is committed to the sound discretion of  
11 the court.”). Because there is now sufficient evidence in the record from which a reasonable fact-  
12 finder could conclude that Bishop had an interest protected by the Fourteenth Amendment (Dkt.  
13 No. 70), the Court finds that Bishop’s Fourteenth Amendment claim should proceed to trial along  
14 with the Fourteenth Amendment claims of the other Plaintiffs. *See* Dkt. No. 68 at 12–13.

15 For these reasons, the Court GRANTS Plaintiffs’ motion for reconsideration. Dkt. No. 69.  
16 The clerk is directed to reinstate Victoria Bishop as a Plaintiff in this matter.

17 Dated this 7th day of May, 2024.

18 

19 \_\_\_\_\_  
20 Kymberly K. Evanson  
21 United States District Judge  
22  
23  
24